
Introduced by Senator Scott

February 20, 2003

An act to amend Section 366 of the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as introduced, Scott. Dependent children: status review hearings.

Existing law requires the juvenile court to conduct periodic status review hearings for dependent children. Existing law requires the court to make a determination of specified facts concerning the child, including whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. Existing law requires that the limitation be specifically addressed in the court order and prohibits that limitation from exceeding those limitations that are necessary to protect the child.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 366 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 366. (a) (1) The status of every dependent child in foster
- 4 care shall be reviewed periodically as determined by the court but
- 5 no less frequently than once every six months, as calculated from
- 6 the date of the original dispositional hearing, until the hearing

described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child.

(C) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed those *limitations that are* necessary to protect the child. Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.

(D) (i) Whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(I) The nature of the relationship between the child and his or her siblings.

(II) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(III) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(IV) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(V) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(VI) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(ii) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.



1 (E) The extent of progress which has been made toward
2 alleviating or mitigating the causes necessitating placement in
3 foster care.

4 (2) The court shall project a likely date by which the child may
5 be returned to and safely maintained in the home or placed for
6 adoption, legal guardianship, or in another planned permanent
7 living arrangement.

8 (b) Subsequent to the hearing, periodic reviews of each child
9 in foster care shall be conducted pursuant to the requirements of
10 Sections 366.3 and 16503.

11 (c) If the child has been placed out of state, each review
12 described in subdivision (a) and any reviews conducted pursuant
13 to Sections 366.3 and 16503 shall also address whether the
14 out-of-state placement continues to be the most appropriate
15 placement selection and in the best interests of the child.

16 (d) A child may not be placed in an out-of-state group home,
17 or remain in an out-of-state group home, unless the group home is
18 in compliance with Section 7911.1 of the Family Code.

